

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

DAVID LAWRENCE GAUDINO,

Defendant.

Case No. CR11-102-RSL

**PROPOSED FINDINGS OF FACT  
AND DETERMINATION AS TO  
ALLEGED VIOLATIONS OF  
SUPERVISED RELEASE**

## INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on November 18, 2011. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Kate Vaughn, and defendant was represented by Jay Stansell. Also present was U.S. Probation Officer Jennifer Tien. The proceedings were digitally recorded.

## **SENTENCE AND PRIOR ACTION**

Defendant was sentenced on June 17, 2011, by the Honorable Robert S. Lasnik for Threatening a Federal Officer. He received a sentence of time served and three years of supervised release. Mr. Gaudino's term of supervised release began on June 17, 2011, and it is scheduled to expire on June 16, 2014.

## **PRESENTLY ALLEGED VIOLATIONS**

In a petition dated September 23, 2011, U.S. Probation Officer Jennier Tien alleged that  
**PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE - 1**

1 defendant violated the following conditions of supervised release:

- 2 1. Using marijuana since on or before September 1, 2011, in violation of standard
- 3 condition number 7.
- 4 2. Being arrested by Seattle Police Department and charged with Assault in the 4th
- 5 degree (domestic violence) on September 22, 2011, in violation of the general
- 6 condition that the defendant not commit any federal, state, or local crimes.

7 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

8 Defendant stipulated to the allegations contained in the U. S. Probation Petition and  
9 Memorandum and waived any hearing as to whether they occurred. The Court found based on  
10 the stipulation defendant committed the two alleged violations. Defendant was informed the  
11 matter would be set for a disposition hearing on December 8, 2011 at 2:00 p.m. before District  
12 Judge Robert S. Lasnik.

13 **RECOMMENDED FINDINGS AND CONCLUSIONS**

14 Based upon the foregoing, I recommend the court find that defendant has violated the  
15 conditions of his supervised release as alleged above, and conduct a disposition hearing.

16 DATED this 18th day of November, 2011.

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20 BRIAN A. TSUCHIDA  
21 United States Magistrate Judge  
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